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DEPT. OF TRANSPORTATION
FAA

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 South Street S.W.
Washington, DC 20590-0001

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Ref: Docket FAA-2001-10047 - 43

To Whom it May Concern:

The following are my comments to the Notice of Proposed Rulemaking regarding "Regulation of Fractional Aircraft Ownership Programs and On-Demand Operations".

13.9 Certificate and Management Specifications Action

I agree that the process which would involve suspension or revocation of an operating certificate for a Part 135 operation should be similar for a fractional operator. The FAA should have the authority to suspend or revoke the management specifications of a fractional operator as they would in a certificate action to include the right to appeal to the National Transportation Safety Board. The FAA should seek the legislative authority to achieve the necessary statutory amendment.

61.57 Recent Flight Experience: Pilot in Command

I support the changes as written

91.415 – 91.519

I support the changes as written

91.1001 Applicability

I support the new 91.1001 as written, with the exception of 91.1001(8). Proposed FAR 91.1001(8) defines a "fractional ownership program manager or program manager" as the entity that is providing services. I feel that in order to achieve regulatory accountability, an individual or individuals should be specifically designated for accountability within the fractional operator's management specifications. This would be similar to the Part 119 requirements for required personnel that apply to on-demand Part 135 operations. At minimum, an individual designated as "Program Manager", "Director of Operations", and "Director of Maintenance" should be required positions within the fractional operators management specifications. By only defining the "fractional program manager" as an entity, the FAA may find it difficult to enforce the spirit of Part 91 Subpart K.

91.1003 – 91.1013

I support these proposed regulations as written.

91.1014 – Manager’s Responsibility for Ensuring Compliance

The proposed paragraph further demonstrates the need to designate an individual as “Program Manager” rather than an entity. In order for a fractional ownership program manager to “ensure that its program.... (is) sufficient to ensure owner compliance...” the accountability of an entity alone may not be sufficient to ensure such an important task.

91.1015 – 91.1017

I support these proposed regulations as written

91.1019 – Conducting Tests and Inspections

I support 91.1019 with exception to 91.1019(c). This section requires that “Each employee, of, or person used by, the program manager who is responsible for maintaining the program manager’s records must make these records available to the Administrator”. The section does not specify which records are being referenced. Are these the maintenance records, pilot records? In addition, if there exists such responsibility, the person who maintains that responsibility should be named in the management specifications, (ref. comment to 91.1001).

91.1025 – Program Operating Manual Contents

The program-operating manual should also contain the name or names of persons responsible for updating the manuals. All other features of proposal 91.1025 are supported.

91.1039 – 91.1045

I support these proposed regulations as written.

91.1047 – Drug and Alcohol Misuse Program

I feel that Drug and Alcohol Misuse Programs for fractional operations should be FAA/DOT approved, as are Part 135 operations. Not requiring such approvals will result in inconsistencies and lack of standardization not only among fractional operations, but the maintenance vendors that support them as well. The requirement of 91.1047(c)(3) to include the “degree to which the Program Manager’s company testing program is consistent or not consistent with Federally mandated drug and alcohol...program(s)...” does not provide enough clarification or consistency to properly enforce the spirit of the proposed regulation.

91.1049 – 91.1055

I support the proposal as written

91.1063 – 91.1109

I support these proposed regulations as written.

91.1111 – Maintenance Training

The requirement for maintenance personnel to “undergo appropriate initial and annual recurrent training...” may be too broad a statement. If the intention is that several types of training may be “appropriate” (i.e. OJT, formal, classroom, etc.) then that should be

specified. If the intention is that maintenance personnel attend formal maintenance training annually, such as FlightSafety, then I feel that a twelve-month frequency may be excessive. A more appropriate frequency would be twenty-four months.

91.1113 – 91.115

I support the proposed regulations as written.

119.1, 125.1, 135.1 – 135.23

I support these proposed regulations as written

135.145 – Aircraft Proving Tests

I applaud the efforts of the FOARC committee and the FAA to provide qualified Part 135 operators relief from costly proving runs under the provision of 135.145(b)

135.167 – 135.247

I support these proposed regulations as written.

135.251, 135.255 – Testing for Prohibited Drugs/Alcohol.

Once again I praise the FOARC committee and the FAA for providing Part 135 operators with relief from Drug and Alcohol Testing under the provisions of 135.251(c) and 135.255(c)

135.321-135.324

I support these proposed regulations as written.

142.1

I support this proposed regulation as written.

In closing, I would like to commend the FAA on its regulatory development process, involving fractional ownership. By including the industry through the FOARC process, the interests of all parties have been served. It is through partnerships such as these that further industry-FAA relationships can be strengthened.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Marinace', followed by a long horizontal line.

Robert F. Marinace
A&P 90602552

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